

Article - Public Safety

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§12-916.

(a) Except as otherwise provided in § 12-915(e) of this subtitle, the Commissioner may assess a civil penalty not exceeding \$5,000 for each violation against a person who:

- (1) violates this subtitle;
- (2) violates a regulation adopted or order issued under this subtitle;

or

(3) operates in the State a boiler or pressure vessel, except a pressure vessel covered by an owner-user inspection service as provided by this subtitle, without a certificate.

(b) In assessing the appropriateness of a civil penalty under this section, the Commissioner shall give due consideration to:

- (1) the nature or gravity of the violation;
- (2) the person's good faith; and
- (3) the person's history of previous violations.

(c) (1) A person may request a hearing before the Commissioner or the Commissioner's authorized representative to contest a proposed penalty or an alleged violation of this subtitle.

(2) The Commissioner shall adopt regulations as reasonably necessary to carry out this subsection.

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